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**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Ground Water Quality Bureau

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Ryan Flynn
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BUTCH TONGATE
Deputy Secretary

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

April 25, 2013

Ms. Sherry Burt-Kested, Manager
Environmental Services Department
Freeport-McMoRan Chino Mines Company
P.O. Box 10
Bayard, New Mexico 88023

RE: Approval of the Amendment Study Plots Year 4 Monitoring Report
Smelter and Tailing Soils Investigation Unit (STSIU)
Chino Administrative Order on Consent (AOC)

Dear Ms. Burt-Kested:

The Ground Water Quality Bureau of the New Mexico Environment Department (NMED) received the above referenced Report on April 3, 2013. NMED has completed a review of the Report and accepts this document with notes listed below.

Section 4.5, Reporting: during recent technical discussions the submittal of the draft Feasibility Study (FS) has been moved to sometime in 2014. The current Report states that "the Year 5 monitoring report will be submitted as a supplement to the FS"; this submittal option may be carry-over language from Section 6.7 of the Work Plan (ARCADIS 2008). Based on the uncertain date for submittal of the FS, NMED requests that the Year 5 Monitoring Report be submitted in the first quarter of 2014.

Section 5.4, ABA: this Section discusses the low probability of acid generation when sulfide sulfur is <0.3%. NMED does not consider this a viable criterion to predict acid generation and may require additional testing to confirm that acid or other contaminants will not be generated.

If you have any questions, please contact me at (575) 388-1934.

Sincerely,

A handwritten signature in cursive script, appearing to read "Phil Harrigan", followed by a small flourish.

Phil Harrigan, Chino AOC Project Manager
Mining Environmental Compliance Section
Ground Water Quality Bureau
New Mexico Environment Department
Silver City Field Office

cc: Petra Sanchez, USEPA
Jerry Schoeppner, NMED (via email)
Clint Marshal, NMED (via email)
Kurt Vollbrecht, NED (via email)
Joseph Fox, NMED (via email)
Mark Lewis, PhD, Formation Environmental (via email)
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